IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.7194 OF 2004

Swami Vivekanand Shikshan Sanstha, .. Petitioner

Vs

1. Hanmantrao Tukaram Patil and ors .. Respondents

Mr P.D.Dalvi, for the petitioner.

CORAM : DB.BHOSALE,J.

DATE : 6th September, 2004.

PC

1. Heard the learned counsel for the petitioner.

2. The petitioner made an application under section 10 of CPC, seeking stay to R.C.S.No.125 of 2002 filed on 1.1.2002 pending hearing and final disposal of RCS No.1081 of 2001 filed on 28.9.2001 contending that the matter in issue in the subsequent suit is also directly and substantially in issue in the previously instituted suit between the same parties. The previous suit was filed challenging the suspension of the membership of the respondents-plaintiffs while the subsequent suit came to be filed by them challenging Resolution No.4 dated 5.10.2001 by which they have been removed as members of the society. It is thus clear that the cause of action in the subsequent suit is altogether different and, therefore, it cannot be said that the matter in issue is directly and substantially in issue in R.C.S.No.1081 of 2001. In view of this, no ground is made out warranting interference in this petition. The writ petition, therefore, fails and is

dismissed as such.

(D.B.BHOSALE, J.)